

# House Study Bill 673

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
COMMERCE, REGULATION AND LABOR  
BILL BY CHAIRPERSON JENKINS)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the privacy of wireless communications service  
2 subscribers, including restrictions on the provision of  
3 wireless telephone number information, and providing penalties  
4 and remedies.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
6 TLSB 6431HC 81  
7 kk/gg/14

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1 1 Section 1. NEW SECTION. 477A.1 DEFINITIONS.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Person" shall have the same meaning as defined in  
1 5 section 4.1.  
1 6 2. "Subscriber" means the person or persons contractually  
1 7 obligated to pay a wireless communications service provider  
1 8 for the receipt of wireless communications services.  
1 9 3. "Wireless communications service" shall have the same  
1 10 meaning as defined in section 34A.7A.  
1 11 4. "Wireless telephone number information" means the  
1 12 wireless telephone number, electronic address, or any other  
1 13 identifying information by which a calling party may reach a  
1 14 subscriber to a wireless communications service and includes  
1 15 such subscriber's name and address.  
1 16 Sec. 2. NEW SECTION. 477A.2 WIRELESS SUBSCRIBER PRIVACY  
1 17 PROTECTION.  
1 18 1. A provider of wireless communications service shall not  
1 19 sell, provide, publish, or otherwise disseminate the wireless  
1 20 telephone number information of any subscriber to any person  
1 21 except the subscriber without the subscriber's express written  
1 22 consent that meets all of the following requirements:  
1 23 a. The consent shall be contained in a separate document,  
1 24 signed and dated by the subscriber.  
1 25 b. The consent shall contain all of the following  
1 26 provisions in unambiguous and plain language:  
1 27 (1) That by signing the document the subscriber is  
1 28 consenting to have the subscriber's wireless telephone number  
1 29 information sold or published as part of a list of subscribers  
1 30 and may be included in a publicly available directory.  
1 31 (2) That the subscriber may revoke consent at any time.  
1 32 (3) That the subscriber shall not be charged for revoking  
1 33 consent.  
1 34 (4) If under the subscriber's calling plan the subscriber  
1 35 may be billed for receiving unsolicited calls or text  
2 1 messaging from a telemarketer or other person, the provider's  
2 2 consent form shall include a disclosure that by consenting the  
2 3 subscriber may incur additional charges for receiving  
2 4 unsolicited calls or text messages.  
2 5 c. A copy of the signed consent shall be provided to the  
2 6 subscriber.  
2 7 2. A subscriber who provides consent pursuant to  
2 8 subsection 1 may revoke that consent at any time, and the  
2 9 provider shall comply with the request to revoke consent  
2 10 within sixty days.  
2 11 3. A provider of wireless communications service shall not  
2 12 charge a fee to any subscriber for exercising any rights  
2 13 granted under this chapter.  
2 14 4. This section shall not apply to the provision of  
2 15 wireless telephone number information to the following parties  
2 16 for the purposes indicated:

2 17 a. To any law enforcement agency, fire protection agency,  
2 18 public health agency, public environmental health agency, or  
2 19 city or county emergency services agency for the exclusive  
2 20 purpose of responding to a 911 call or communicating an  
2 21 imminent threat to life or property.  
2 22 b. To a telephone company providing service between  
2 23 service areas, or to third parties for the limited purpose of  
2 24 providing billing services.  
2 25 c. To a telephone company to effectuate a subscriber's  
2 26 request to transfer the subscriber's assigned telephone number  
2 27 from the subscriber's existing provider of telecommunications  
2 28 services to a new provider of telecommunications services.  
2 29 d. In response to a lawful subpoena or process issued  
2 30 under state or federal law.

2 31 Sec. 3. NEW SECTION. 477A.3 VIOLATIONS == CIVIL ACTIONS  
2 32 == CIVIL PENALTY == OTHER REMEDIES.

2 33 A violation of this chapter is an unlawful practice under  
2 34 section 714.16. All the powers conferred upon the attorney  
2 35 general to accomplish the objectives and carry out the duties  
3 1 prescribed pursuant to section 714.16 are also conferred upon  
3 2 the attorney general to enforce this chapter, including, but  
3 3 not limited to, the power to issue subpoenas, adopt rules  
3 4 pursuant to chapter 17A, and seek injunctive relief and civil  
3 5 penalties.

#### 3 6 EXPLANATION

3 7 This bill creates new Code chapter 477A establishing  
3 8 restrictions on the dissemination of wireless telephone  
3 9 information by wireless communications service providers.

3 10 The bill requires wireless communications service providers  
3 11 to obtain express written consent from a subscriber before the  
3 12 provider may sell, provide, publish, or otherwise disseminate  
3 13 a subscriber's wireless telephone number information to any  
3 14 person other than the subscriber. The express consent must be  
3 15 contained in a separate document and signed and dated by the  
3 16 subscriber. The consent must explain in unambiguous and plain  
3 17 language that by signing the consent the subscriber agrees to  
3 18 have the subscriber's wireless telephone number sold or  
3 19 published as part of a directory that may be made available to  
3 20 the public. The consent must also explain that the subscriber  
3 21 may revoke the consent at any time at no charge to the  
3 22 subscriber and that the subscriber may incur additional  
3 23 charges for receiving unsolicited calls or text messages if  
3 24 the subscriber's calling plan may be so charged.

3 25 The provider must provide the subscriber a copy of the  
3 26 consent and must comply with a subscriber's request to revoke  
3 27 the consent within 60 days. Providers of wireless  
3 28 communications service shall not charge a fee to a subscriber  
3 29 for exercising any rights under new Code chapter 477A.

3 30 Wireless communications service providers may provide  
3 31 wireless telephone number information without express consent  
3 32 to a law enforcement agency, fire protection agency, public  
3 33 health agency, public environmental health agency, or city or  
3 34 county emergency services agency to assist in the response to  
3 35 a 911 call or the communication of an imminent threat to life  
4 1 or property. Wireless telephone number information may also  
4 2 be provided to a telephone company providing service to the  
4 3 subscriber between service areas, to third parties providing  
4 4 billing services, to a telephone company effectuating a  
4 5 subscriber's request to transfer the subscriber's telephone  
4 6 number to a different provider, and in response to a subpoena  
4 7 or other legal process.

4 8 The bill provides that the attorney general can enforce  
4 9 Code chapter 477A in the manner of a violation of Code section  
4 10 714.16 relating to consumer frauds.

4 11 LSB 6431HC 81

4 12 kk:nh/gg/14